

## **BMV “Cheat Sheet” for OVWI Convictions**

1. Under 21
  - a. If BAC is at least .02, but less than .08, court may order license suspension up to 1 year (9-30-5-8.5).
  - b. Look at juvenile rules for under 18
2. 21 and over
  - a. No prior OVWI convictions (includes motorboat)
    - i. Court shall recommend license suspension from 90 days up to 2 years (9-30-5-10(b)).
    - ii. Court may order the suspension to run before and/or after an incarceration period (9-30-5-10(a)).
    - iii. Probationary License
      1. Not permitted if refused chemical test.
      2. Court may stay the suspension and order a 180 day probationary license (9-30-5-12(a)). However, individual must first serve 30 day suspension. (9-30-5-11(b); 9-30-6-9(f)).
      3. Court may order an ignition interlock device as term of the prob. license (9-30-5-16(a)). (Note: See limitations on employees having ignition interlock device on employer’s vehicle (9-30-5-16(c)).
      4. CDL holders may have a probationary license to operate a passenger vehicle, but not a CMV (9-30-5-9.5; See Orange. 889 N.E.2d 388 (2008)).
  - b. Prior OVWI conviction less than 5 years ago (includes motorboat)
    - i. Court shall recommend license suspension from 1 to 2 years (9-30-5-10(d)).
    - ii. Court may order the suspension to run before and/or after an incarceration period (9-30-5-10(a)).
    - iii. Probationary License
      1. Court may stay the suspension time above 1 year and order a probationary license for the length of the stay (9-30-5-12(b and c)).
      2. Court must order an ignition interlock device as a term of prob. license for a period of at least 6 months unless enrolled in specific rehab program (9-30-5-10(d) and 9-30-8-1). (Note: See limitations on employees having ignition interlock device on employer’s vehicle (9-30-5-16(c)).
      3. CDL holders may have a probationary license to operate a passenger vehicle, but not a CMV (9-30-5-9.5, See Orange. 889 N.E.2d 388 (2008)).
  - c. Prior OVWI was more than 5, but less than 10 years ago (includes motorboat)
    - i. Court shall recommend license suspension for 180 days up to 2 years (9-30-5-10(c)).

- ii. Court may order the suspension to run before and/or after an incarceration period (9-30-5-10(a)).
- iii. Probationary License
  - 1. Court may stay the suspension time above 180 days and order a probationary license for the length of the stay (9-30-5-12(b and c)).
  - 2. Court must order an ignition interlock device as a term of prob. license unless enrolled in specific rehab program (9-30-5-16(b)). (Note: See limitations on employees having ignition interlock device on employer's vehicle (9-30-5-16(c))
  - 3. CDL holders may have a probationary license to operate a passenger vehicle, but not a CMV (9-30-5-9.5, Orange. 889 N.E.2d 388 (2008)).
- d. Prior OVWI conviction 10 years or more prior to present conviction
  - i. Court shall recommend license suspension from 90 days up to 2 years (9-30-5-10(b)).
  - ii. Court may order the suspension to run before and/or after an incarceration period (9-30-5-10(a)).
  - iii. Probationary License
    - 1. Not permitted if refused chemical test.
    - 2. Court may stay the suspension and order a 180 day probationary license (9-30-5-12(a)). However, individual must first serve 30 day suspension. (9-30-5-11(b); 9-30-6-9(f)).
    - 3. Court must order an ignition interlock device as a term of prob. license unless enrolled in specific rehab program (9-30-5-16(b)). (Note: See limitations on employees having ignition interlock device on employer's vehicle (9-30-5-16(c)).
    - 4. CDL holders may have a probationary license to operate a passenger vehicle, but not a CMV (9-30-5-9.5, Orange. 889 N.E.2d 388 (2008)).
- e. OVWI causing serious bodily injury or death
  - i. Court shall recommend license suspension for 2 to 5 years (9-30-5-10(e)).
  - ii. Court may order the suspension to run before and/or after an incarceration period (9-30-5-10(a)).
  - iii. Probationary License
    - 1. Court may stay the suspension time above 2 years and order a probationary license for the length of the stay (9-30-5-10 (e) and 9-30-5-12(b)).
    - 2. CDL holders may have a probationary license to operate a passenger vehicle, but not a CMV (9-30-5-9.5, Orange. 889 N.E.2d 388 (2008)).